

JOURNAL OF THE HOUSE.

Tuesday, December 26, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Ms. Kaprielian of Watertown in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Eternal God, we take a moment to thank You for the many and various blessings which we receive daily from You, Our Creator. Teach us to use these gifts wisely and generously as we carry out and respond to our daily responsibilities. As we approach the end of this calendar year, teach us to utilize and appreciate the knowledge and wisdom which we have gained during the past twelve months. Help us to fill our hearts and minds with hope, courage and confidence in the future and in our ability to address the new year's legislative challenges and opportunities.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance.

At the request of the Chair (Ms. Kaprielian of Watertown), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Messages from the Governor — Vetoes.

Pensioners, payment.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill authorizing increased payment of pensioners for services after retirement [see House, No. 263] (for message, see House, No. 5376) was filed in the Office of the Clerk on Friday, December 22.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next sitting, the question being on passing the bill, notwithstanding the said objections.

Belmont, trust fund.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill authorizing the town of Belmont to establish an other postemployment benefits trust fund [see House, No. 5076] (for message, see House, No. 5377) was filed in the Office of the Clerk on Friday, December 22.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next sitting, the question being on passing the bill, notwithstanding the said objections.

Papers from the Senate.

Shrewsbury, ballot questions.

The House Bill authorizing the town of Shrewsbury to send certain information to the voters of the town (House, No. 5013) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 8, striking out the word "active".

TUESDAY, DECEMBER 26, 2006.

Under suspension of Rule 35, on motion of Ms. Rogeness of Longmeadow, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Bills

To ensure adequate adult day health services (Senate, No. 2494) (on Senate bill No. 1141) [Estimated cost: \$5,000,000.00];

Adult day health services.

Relative to standardizing insurance forms (Senate, No. 2773) (on Senate bill No. 646); and

Insurance forms, standardize.

Further regulating the placement of certain children (Senate, No. 2776) (on Senate bill No. 1651);

Children, placement.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

A Bill amending the charter of the town of Sandwich (Senate, No. 2741) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Sandwich, charter.

A petition of Marc R. Pacheco and James H. Fagan for legislation to establish a sick leave bank for Therese Rapoza, an employee of the Department of Mental Retardation, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Therese Rapoza, sick leave.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2778) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Michael F. Leavitt, an employee of the Department of Mental Retardation (House, No. 5375). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Michael Leavitt, sick leave.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Ms. Peisch of Wellesley, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Hill of Ipswich, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill increasing consumer access to licensed marriage and family therapists (Senate, No. 136) be scheduled for consideration by the House.

Family, marital therapy, access.

Under suspension of Rule 7A, on motion of Ms. Balser of Newton, the bill was read a second time forthwith; and it was ordered to a third reading.

Adopted
children,
rights.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill further regulating the rights of an adopted child (Senate, No. 2510) ought to pass with certain amendments.

Domestic
violence.

By the same member, for the same committee, that the Bill relative to enhanced protection for victims of domestic violence (printed in House, No. 30) ought to pass with certain amendments.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendments pending.

DOE,
school
child abuse
reports.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill requiring notice to the Departments of Education and of Early Education and Care of child abuse reports (Senate, No. 365, changed and amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

South
Hadley,
school
custodians.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a recommitted petition, a Bill exempting the school custodians in the town of Hadley from the civil service law (House, No. 5303) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measures.

James M.
Kelly
Bridge.

The engrossed Bill designating the Broadway Bridge in the South Boston section of the city of Boston as the James M. Kelly Bridge (see Senate, No. 2761), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 12 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Public
Health
Council.

The engrossed Bill further revising the membership of the Public Health Council (see Senate, No. 2770), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 13 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Massachusetts
History Day.

The engrossed Bill designating the annual observance of Massachusetts History Day and establishing a special commission on civic engagement and learning (see House, No. 3465, amended), having

been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 14 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill
re-enacted.

The engrossed Bill relative to certain retirement benefits for surviving spouses of the State Police (see House, No. 4941, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

State
Police.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 13 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed Bills.

The engrossed Bill requiring automatic external defibrillator devices in health clubs (see Senate, No. 2681, amended) (which originated in the Senate) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill
re-enacted.

The engrossed Bill designating the garter snake as the official reptile of the Commonwealth (see Senate bill printed as House, No. 3453, amended) (which originated in the Senate) (which had been returned by Her Honor the Lieutenant-Governor, Acting Governor, with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the Speaker and sent to the Senate.

Bill

The engrossed Bill relative to child labor (see House, No. 4638, amended) (which originated in the House) (which had been returned by Her Honor the Lieutenant-Governor, Acting Governor, with recommendation of amendments), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill

Bills
enacted.

Engrossed bills

Authorizing recall elections in the town of Upton (see Senate, No. 2613);

Further regulating access to birth certificates (see Senate, No. 2690, amended);

Relative to funds deposited into Diane Zaniboni Breast Cancer Research Fund (see Senate, No. 2732);

Relative to the sewerage facilities and betterments in the town of Millbury (see Senate, No. 2735);

Exempting the position of Chief of Police in the town of Shrewsbury from the civil service law (see Senate, No. 2749);

(Which severally originated in the Senate);

Authorizing the town of Ipswich to make an appeal to the Appellate Tax Board (see House, No. 4986, amended); and

Relative to the Worcester DCU Arena and Convention Center (see House, No. 5128, amended);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At twenty-four minutes before twelve o'clock noon, on motion of Mr. Straus of Mattapoisett (Ms. Kaprielian of Watertown being in the Chair), the House recessed until half past twelve o'clock noon; and at ten minutes before one o'clock P.M. the House was called to order with Ms. Kaprielian in the Chair.

*Papers from the Senate.*Work-family
council.

The House Bill establishing a Massachusetts work family council (House, No. 4216) came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 14, striking out, the words "and workforce development" (as changed by the Senate committee on Bills in the Third Reading) and inserting in place thereof the words "; the director of the department of workforce development" and in lines 74 to 77, inclusive, striking out the words "Identify representatives of groups with important stakes in resolving specific work-family issues, and devise processes for bringing the groups together to promote mutual understanding as the basis for coordinated problem-solving;" (as changed by the Senate committee on Bills in the Third Reading) and inserting in place thereof the words "identify representatives of groups that resolve specific work-family issues and devise processes for bringing the groups together to promote mutual understanding as the basis for coordinated problem-solving"; and striking out the emergency preamble (inserted by the House Committee on Bills in the Third Reading);

Under suspension of Rule 35, on motion of Mr. Wagner of Chicopee, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

The House Bill authorizing the town of Wellesley to seek voter approval to assess taxes for the purpose of funding the town's group insurance liability fund (House, No. 4872) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, adding at the end thereof the following sentence: "Adjustments to the town's limit on property taxes shall be computed as though the town has passed capital outlay exclusions under paragraph (i½) of section 21C of chapter 59 of the General Laws."

Wellesley,
group
insurance.

Under suspension of Rule 35, on motion of Ms. Peisch of Wellesley, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Report of a Committee.

Mr. Wagner of Chicopee, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text of contained in Senate document numbered 2688) of the House Bill further regulating driver education and junior operator's licenses House, No. 5064), reported a Bill further regulating driver education and junior operator's licenses (House, No. 5378).

Junior
operators
licenses.

Under suspension of the rules, on motion of Mr. Wagner of Chicopee, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Protecting patient confidentiality (see House, No. 1754, amended); and

Bills
enacted.

Authorizing the town of East Longmeadow to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5350);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Senate bills

Authorizing the Commissioner of Capital Asset Management and Maintenance to grant a certain easement in the town of Belchertown (Senate, No. 2727);

Third
reading
bills.

Relative to the authority of the town of Auburn to convey a certain parcel of land (Senate, No. 2738) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the state retirement board to grant an accidental disability retirement to James R. Johnson (Senate, No. 2767);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

Third
reading
bills.

House bills

Relative to the acceptance of Chapter 40N of the General Laws in the town of Marblehead (House, No. 5147);

Authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Milford (House, No. 5174, amended);

Relative to the salaries of the members of the Boston licensing board (House, No. 5337) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the town of Florida (House, No. 5364); and

Relative to the town of Monroe (House, No. 5365);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Schools,
epinephrine
access.

The House Bill relative to access to epinephrine in schools (House, No. 2637), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Kaufman of Lexington moved that it be amended by adding at the end thereof the following paragraph:

“Notwithstanding any general or special law or regulation to the contrary, a school district shall not prohibit a student with diabetes from possessing and administering a glucose monitoring test and insulin delivery system, in accordance with department of public health regulations concerning a student’s self-administration of a prescription medication.”.

The amendment was adopted; and the bill (House, No. 2637, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At twenty minutes after one o’clock P.M., on motion of Ms. Peisch of Wellesley (Ms. Kaprielian of Watertown being in the Chair), the House recessed until the hour of two o’clock; and at a quarter before three o’clock the House was called to order with Ms. Kaprielian in the Chair.

Papers from the Senate.

Vehicle
protection
act.

The House Bill regulating vehicle protection product warranties (House, No. 3062) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2753.

Under suspension of Rule 35, on motion of Mr. Kafka of Stoughton, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn, as changed) was considered forthwith; and it was adopted, in concurrence.

The House Bill relative to penalties for animal fighting (House, No. 1765, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2772. Animal
fighting,
penalties.

Under suspension of Rule 35, on motion of Mr. Kafka of Stoughton, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

The House then non-concurred with the Senate in its amendment; and the bill was returned to said branch endorsed accordingly.

A Bill making corrective changes in certain General and special laws (printed in Senate, No. 2775) (on a communication from the Honorable Counsels to the House and Senate), passed to be engrossed by the Senate, was read; and it was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently. Corrective
changes.

Mr. Scaccia of Boston, for said committees, reported that the bill ought to pass.

Under suspension of the rules, on motion of Mr. Cabral of New Bedford, the bill was read a second time forthwith; and it was ordered to a third reading.

Engrossed Bill.

The engrossed Bill authorizing the town of Shrewsbury to send certain information to the voters of the town (see House, No. 5013, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill
enacted.

Orders of the Day.

The Senate Bill prohibiting certain dumping in the city of Brockton (Senate, No. 2606), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence. Third
reading
bill.

House bills

Authorizing the city of New Bedford to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5340); and Third
reading
bills.

Relative to home service contracts (House, No. 5344);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—
Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o’clock A.M. Next
sitting.

At the hour of three o'clock P.M., on motion of Mr. Timilty of Milton (Ms. Kaprielian of Watertown being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.